



NEW YORK STATE SENATOR

Thomas K. Duane

## February 2010 Community Report

THOMAS K. DUANE March 25, 2010

| ISSUE: **GOVERNMENT OPERATIONS**

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Dear Neighbor:

The following is a summary of some of my office's activities since my last community report:

#### **Albany Update**

##### ***Continuing the Fight for Real Ethics Reform:***

On January 20, both the New York State Senate and Assembly passed a comprehensive package of Ethics Reform legislation. The legislation would have required greater disclosure of outside income by legislators, monitored more closely the activity of lobbyists, restored an independent lobbying commission, and created a bipartisan enforcement unit within the New York State Board of Elections that would impose strict adherence to the campaign finance laws.

While I believe that stronger reform needs to be implemented, I voted for the package; it was a positive first step toward fixing an extremely dysfunctional, and in many ways, unethical, legislature.

On February 1, Governor Paterson vetoed the ethics package, stating that the reforms were insufficient. The Governor indicated that he wanted five-way negotiations to commence in order to draft his version of an acceptable ethics package.

The Governor's veto was a shocking development. On February 8, both the Senate and Assembly voted on whether to override the veto. While the Assembly overwhelmingly voted to override the veto, the Senate attempt failed. Inexplicably, the Senate Republicans, who just two weeks prior voted for the ethics package, voted in a block to accept the Governor's veto.

As a result of the failed override, the State Legislature is left without any ethics reform. This is unacceptable and I will work closely with my Senate Democratic colleagues to insure that ethics reform is implemented this year.

***Voting for the Expulsion of Hiram Monserrate from the State Senate:***

On February 9, I joined 52 of my Senate colleagues in voting to expel Hiram Monserrate from the New York State Senate. It was one of the bleakest hours I have witnessed in the State Senate. There was, however, no choice. Domestic violence is unacceptable and there is no room in the State Senate for those convicted of such a crime.

***Celebrating Important Legislative Victories:***

On February 24, the New York State Senate passed two crucial bills for which I have strongly advocated. The Family Health Care Decisions Act (FHCDA), of which I was the lead sponsor, passed by a bipartisan vote of 55-3. The bill grants medical decision-making authority to loved ones of incapacitated patients who do not have a health care proxy or clear evidence of their treatment wishes. As the next day's *Albany Times Union* declared, "Lawmakers on Wednesday did something rare: They passed a piece of significant legislation that Gov. David Paterson has indicated he will sign." Please see the *Times Union* story and my [statement](#) on

the bill's passage

The same day, the legislature also passed a bill, of which I was a co-sponsor, that enables the New York City Housing Authority (NYCHA) to federalize 21 City- and State-owned developments. The bill, sponsored by State Senator Daniel Squadron, authorizes NYCHA to transfer the developments through sale or lease to two nonprofit entities, allowing them to be eligible for a one-time \$400 million federal cash infusion under the American Recovery and Reinvestment Act (ARRA), and an annual federal subsidy of \$75 million for operating expenses. Please see attached my press release on this important legislative victory for the residents of the Amsterdam Houses, Amsterdam Addition and the more than 400,000 other residents of NYCHA developments.

### **Promoting a Patient-Centered Medical Home Model for New York**

As the Chair of the Senate Health Committee, one of my core goals has been developing and strengthening primary and preventive care. Toward that end, I am encouraging the development and support of the emerging patient-centered medical home model, which I discuss in [my op-ed](#) that appeared in the February 17, 2010 issue of *The Capitol*.

### **Keynoting at Met Council on Housing's Annual Meeting and Continuing the Fight for Tenant Protections**

Because of my history of advocacy and leadership in the New York State Senate on tenants' rights and affordable housing, the Metropolitan Council on Housing invited me to be a keynote speaker at its 2010 Annual Meeting. I was pleased to address more than 100 members of this venerable organization, dedicated to preserving and expanding New York City's supply of decent, affordable housing, on the topic "How to Win the Repeal of Vacancy Decontrol and More in 2010."

I acknowledged how disappointing the State Senate was in 2009, especially after the coup slammed the brakes on the momentum tenant advocates had gained. With our tenuous Democratic majority, we still face significant challenges in 2010, however, we have learned from our mistakes. Despite the obstacles, I have redoubled my efforts to pass major capital improvement (MCI) reform, my rent board reform bill, protections for former Mitchell-Lama and Section 8 tenants and the elimination of vacancy decontrol as well as other key pro-tenant legislation this year.

I make a point of talking to my colleagues on both sides of the aisle about the urgent need to preserve affordable housing and protect tenants' homes. I and my staff have been participating in strategy meetings and discussions with pro-tenant colleagues and Real Rent Reform campaign leaders. And the Senate Majority's Progressive Caucus, which I helped to found last year, has made advancing the tenant agenda and conveying its importance to Senate leadership a core goal.

In our effort to pass legislation that will truly protect tenants and preserve affordable housing, progress is difficult and each step forward is hard-fought. However, we cannot give up and say that it is impossible. We must remember that every day in Albany is truly a new day and we must be well-prepared and poised to capitalize on opportunities.

When I spoke to Met Council members, I applauded them and other tenant advocates for their presence in Albany in 2009 and urged them to come to the Capitol to lobby even more often this year. I urge all of my constituents to do the same. If you are not already engaged in the effort to pass tenant protection legislation, please contact Met Council on Housing at 212-979-6238, New York State Tenants & Neighbors at 212-608-4320, or one of the other organizations leading the fight. Tenants must not give anyone in Albany an excuse to forget about them. More than ever, I need tenants' help in Albany in order to win in 2010.

## **Calling on Fannie and Freddie to Step Up for Stuyvesant Town/Peter Cooper Village**

Residents of Stuyvesant Town/Peter Cooper Village (ST/PCV) – and all who care about the future of affordable middle-class housing in New York City – were understandably concerned about the news that Tishman Speyer and Blackrock defaulted on their ST/PCV mortgage commitment. On Sunday, January 31st, I joined U.S. Senator Chuck Schumer, local elected officials, and ST/PCV Tenants Association (ST/PCV-TA) President Al Doyle at a press conference calling on Fannie Mae and Freddie Mac to exert their influence at this juncture to ensure the property's adequate maintenance and preserve the complex's livability, affordability, and unique character. As quasi-public enterprises that were bailed out by the federal government, and as ST/PCV's largest debt holders, "Fannie and Freddie" have a moral obligation to see ST/PCV preserved for future generations of middle class New Yorkers.

Even though it was on a freezing cold morning, the press conference was attended by approximately 200 enthusiastic residents – once again conveying the message that the ST/PCV community is to be taken seriously. This was further underscored by the recent news that the ST/PCV-TA has retained the pro bono services of Paul, Weiss, Rifkind, Wharton & Garrison LLP, one of the top law firms in the country, to advise on a possible tenant bid for property. I have already called on New York State's housing agencies to do all they can to make possible a sound and successful tenant bid, and I will continue to work with the ST/PCV-TA and my colleagues at all levels of government to ensure that ST/PCV tenants have a place at the bargaining table and are treated fairly in the process.

## **Urging Mayor Bloomberg Not to Appeal Ruling Striking Down "Poor Tax" Imposed by Rent Guidelines Board**

On January 25, New York State Supreme Court Justice Emily Jane Goodman delivered a major victory for rent stabilized tenants when she struck down a 2008 supplemental adjustment, characterized as a "Poor Tax," that the Rent Guidelines Board (RGB) imposed on

tenants who have lived in rent-stabilized apartments for more than six years and pay under \$1,000 per month rent. Unfortunately, the City's Corporation Counsel has indicated that the City plans to appeal Justice Goodman's ruling. Please see the [letter](#) I sent to Mayor Bloomberg urging the City to refrain from appealing this judgment not only because it is legally sound and just, but also because the City of New York itself stands to be the prime beneficiary.

### **Supporting the Proposed Lamartine Place Historic District**

On January 26, I submitted [testimony](#) regarding the proposed Lamartine Place Historic District to the New York City Council Subcommittee on Landmarks, Public Siting and Maritime Uses. I am pleased that the Landmarks Preservation Commission designated this architecturally and historically important District, and I am hopeful the City Council will approve that designation shortly.

### **Seeking Improvements to NYCT/DOT Redesign of First and Second Avenues**

Over the past several weeks, MTA New York City Transit (NYCT) and the New York City Department of Transportation (DOT) have been hosting presentations on their joint proposal for Select Bus Service (SBS), aimed at improving bus service, along Manhattan's First and Second Avenue corridors from Houston Street to 125th Street, as well as a limited program continuing to Wall Street. The entire route includes limited stops, off-board payment, high-visibility bus lanes, transit signal priority as well as other improvements. In addition, from Houston to 125th Streets, depending on physical conditions along the route, there will be varying combinations of protected bike lanes, pedestrian refuges, curbside or offset bus lanes and other bus enhancements. I, along with many of my fellow elected officials and alternative transportation advocates, consider the proposal a very positive starting point upon which we hope to improve.

Last December, I joined Assembly Member Brian Kavanagh and a large coalition of elected officials in a letter urging DOT Commissioner Janette Sadik-Khan to upgrade the current SBS plan to include physically-separated bus lanes - sometimes referred to as a full Bus Rapid Transit (BRT) program. Many transportation planners see BRT as the most effective means of improving travel times on highly trafficked streets, however, DOT and NYCT intend to rely on camera enforcement to keep the bus lanes unobstructed by traffic, and argue that segregated rights of way are practically unfeasible. I am also concerned that the plan excludes protected bike lanes along several portions of the avenues, which I believe dilutes the plan's ability to both encourage cycling and keep our city's bicyclists and pedestrians safe.

Despite these and other minor objections, I feel that DOT and NYCT have presented a commendably coherent plan. Overall, the agencies estimate their improvements as proposed will reduce travel time along the route by 20 to 25 percent, and create the longest on-street protected bike route in New York City. I look forward to continuing the conversation with community leaders, other elected officials, DOT and NYCT to ensure that the best possible plan is implemented.

### **Rallying in Albany Against Risky Gas Drilling**

On January 25, I joined hundreds of environmental advocates, public officials and concerned New Yorkers in a rally against high-volume hydraulic fracturing ("fracking") in New York State. As you know, since the DEC first proposed to permit fracking in our State, I have expressed strong opposition, particularly regarding the danger it poses to our drinking water. In my view, hydraulic fracturing should be prohibited throughout the State until and unless the technology improves to a point where it no longer poses a threat to our natural environment and public health, and I will continue to fight toward that end.

For the latest articles, opinion pieces, editorials, letters to the editor, press releases, testimony and links on horizontal drilling and high-volume hydraulic fracturing in New York State and elsewhere, please visit my continually updated "[Drill Watch Blog](#)".